

SERIAL NO. 09/776,060;
ATTORNEY DOCKET NO.: 1024

REMARKS

Please reconsider the application in view of the above amendments and the following remarks.

I. Disposition of Claims

Claims 1-13 stand rejected. New claims 14-30 have been added. Claims 1-30 are currently pending.

II. Objections

The drawings are objected to because Figure 1 is not designated by a legend –Prior Art. Applicant has corrected FIG. 1 in accordance with the examiner's recommendation and requests approval of the corrected drawings.

III. Rejections under 35 U.S.C. §102

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Cloud et al. Applicant traverses this rejection.

Applicant respectfully submits that Cloud et al. do not identically disclose the apparatus recited in claims 1-10. In particular, Cloud et al. do not disclose the "arcuate-shaped channel for retaining more than one of said plurality of splices" recited in claim 1. According to Cloud et al., the splice connectors are held in slots 110 on the splice tray 91 (see col. 9, lines 25-45). The slots 110 lie within a plane on the splice tray 91 and are not arcuate-shaped channels.

Cloud et al. also do not disclose the first, second, and third elements having convex and concave surfaces forming the arcuate-shaped channel, as recited in dependent claims 2-4. Although the housing members 12, 14 have inwardly facing concave surfaces, Cloud et al. do not disclose any elements having a convex surface forming a bottom portion of a channel.

Accordingly, applicant submits that claims 1-10 are not identically disclosed by Cloud et al. and requests that the rejection under 102(b) be withdrawn.

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IV. Rejections under 35 U.S.C. §103

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloud et al. Applicant traverses this rejection.

As discussed above, Cloud et al. do not disclose the first element having a convex surface. The Office action refers to the walls 76 and tabs 80 disclosed by Cloud et al. as end steps and center steps, respectively. Applicant respectfully points out that the walls 76 and tabs 80 are not included in a first element having a convex surface and do not contact a second element having a concave surface, as recited in dependent claim 11. Thus, the Office cannot establish *prima facie* obviousness with respect to dependent claim 11 because Cloud et al., even when modified, does not teach or suggest all of the claim limitations. See MPEP 2143.

Accordingly, applicant requests that the rejection under 35 U.S.C. 103(a) be withdrawn.

V. New Claims

Applicant submits new claims 14-30 to more clearly define the invention. Independent claim 14 is drawn to the system for storing splices in a joint box and independent claim 20 is drawn to the joint box. Applicant submits that neither Cloud et al., nor any other prior art of record, discloses or suggests the system and joint box recited in the new claims.

VI. Conclusion

The claims have been shown to be allowable over the prior art. Applicant believes that this paper is responsive to each and every ground of rejection cited by the Examiner in the Action dated December 27, 2002, and respectfully requests favorable action in this application. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

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Please apply any charges not covered, or any credits, to Deposit Account 50-0309
(Reference Number 1024).

Respectfully submitted,

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By: Kevin J. Carroll
Kevin J. Carroll, Reg. No. 36,384

DEVINE, MILLIMET & BRANCH, P.A.
111 Amherst Street
P.O. Box 719
Manchester, NH 03105

Telephone: (603) 669-1000
Facsimile: (603) 669-8547

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